

**KANAB CITY COUNCIL MEETING  
OCTOBER 25, 2011  
KANE COUNTY COMMISSION CHAMBERS**

**PRESENT:** Mayor Nina Laycook, Council Members Tony Chatterley, Cheryl Brown, James Sorenson, Steve Mower and Ed Meyer, Attorney Greg Hardman, City Manager/Recorder Duane Huffman and City Treasurer RaeLene Johnson.

Opening prayer was offered by Pastor Doug Houndshell.

**WORK MEETING:** City Manager Huffman reported on the Kanab Creek Bridge project. He informed the Council that Jim Aziz had notified the City that he will be retiring November 30, 2011. Mr. Huffman and the Public Works Director have been discussing whether contract out the maintenance for the parks and cemetery instead of hiring another employee. He also presented a budget update to the Council. Impact fees were discussed with the Council. Mr. Huffman said that he had searched the minutes and the videos and could not find any evidence that the moratorium on impact fees was only for residential dwellings. He recommended that the commercial businesses that have been charged impact fees since the moratorium be refunded. Council Member Meyer felt that if it was the Council's intent to have commercials continue to pay impact fees, the City should take the necessary steps to fix the problem. Mr. Huffman said there were concerns about impact fees when the moratorium was extended in September 2009. Council Member Sorenson agreed with Mr. Huffman, but he did understand the moratorium was for residential only. It wasn't designated as such in the minutes or the videos. There have been changes to the state law concerning impact fees, and the Capital Facility Plan needs to be redone. Council Member Sorenson said there wasn't a big growth spurt during that time, so it wasn't a top priority. Mayor Laycook suggested having the Utah League of Cities and Towns come down and work with the Council on impact fees. The agenda items were reviewed.

Council Member Sorenson said that the Planning Commission had approved the site plan for the Stake Center on Main and Center Street. The Church is going to restore the front door and steps on the 1924 building. He showed the plans to the Council.

Mayor Laycook opened the regularly scheduled meeting at 7:06 p.m.

**APPROVE MINUTES & VOUCHERS:** A motion was made by Council Member Brown and 2<sup>nd</sup> by Council Member Sorenson to approve the minutes of the October 11th meeting and the vouchers. Motion passed unanimously.

**PUBLIC COMMENT:** Mr. Noel Poe addressed the Council. He and Jim Bentley with the Back Country Horseman Club were present. Mr. Poe explained that the Club has been working with Zions Bank concerning Lot 153 in La estancia. He requested that the Council support the generous donation from Zions Bank for this property. Mr. Poe said that in 2009 the Club had finished the Cottonwood Trail complete with picnic area, in 2010 they finished the Trail in

Tom's Canyon with a picnic area. This year they have been working on the K-Hill trail around the hill and connecting to the Tom's Canyon Trail. Eventually they want the trail to connect into Pugh's Canyon. Council thanked them for all their work.

Mr. Victor Cooper asked questions concerning the set back on the Kanab Creek Ranchos Bridge. He was told that the Irrigation Company and the Water Conservancy District had been cleaning out a beaver pond and didn't think to notify the contractors on the bridge. He also asked if the culvert was too short. Mr. Huffman explained that the city's specifications are being met. If there is any additional expense, the contractor will be liable.

Mr. Mac Robinson addressed the Council. He was concerned with the expense the Tax Payers Association and The Initiative Sponsors were costing the citizens of Kanab in law suits. He said there was about \$78,000 spent, and the law suits are not finished.

**PRESENTATION BY TERRY PARTHMORE, COMMANDER AMERICAN LEGION POST 69 KANAB, REGARDING VETERAN'S ADMINISTRATION ASSISTED LIVING FACILITY:** Mr. Parthemore addressed the Council. He said that there is an assisted living facility for Veterans being built in Ivins, Utah. Kanab's Post would like to help organize funds to upgrade the rooms. Those who help will have a plaque outside of the room. He said that they had been approached to help replace the star monument at the border which was hit by a truck. Bruce Hansen donated enough stone to help with that project. He informed everyone that on November 10th at 4:00 p.m., the American Legion will be putting flags on every veteran's grave in the cemetery. If anyone would like to help, it would be appreciated. The Veteran's Program will be held at the elementary school at 10:00 a.m. and the public is invited. They teach the students about the flag. November 12th, Dane Stewart will be doing an Eagle Scout Project where scout troops will bring their flags for proper retirement. Then on November 14th the flags at the cemetery will be removed. Help is also needed at that time. Any businesses or volunteers who have services or materials and would like to donate would be greatly appreciated. Mayor Laycock expressed appreciation for all the things the American Legion does. Council Member Brown expressed appreciation for the education of the children and Council Member Chatterley expressed appreciation for all the work done at the cemetery during funerals and veteran's flags.

**CONSIDER APPOINTMENT OF BYARD L. KERSHAW TO THE KANAB CITY PLANNING COMMISSION. IN ACCORDANCE WITH THE KANAB CITY LAND USE ORDINANCE, THE MAYOR MAKES APPOINTMENTS TO THE PLANNING COMMISSION WITH THE ADVICE AND CONSENT OF THE KANAB CITY COUNCIL:** Mayor Laycock said she had received two applications for the Planning Commission appointment and had interviewed both applicants. She recommended Byard L. Kershaw be appointed to serve on the Planning Commission until December 31, 2014. A motion was made by Council Member Sorenson and 2<sup>nd</sup> by Council Member Meyer to appoint Byard L. Kershaw to the Planning Commission with a term until December 31, 2014. Motion passed unanimously.

**HEARING: CONSIDER REVOCATION OF GENERAL PLAN AND ZONE CHANGE FOR THE 250 ACRES LOCATED AT 1799 EAST HIGHWAY 89 WHICH WAS GRANTED ON FEBRUARY 27, 2007. ACTING AS THE LAND USE AUTHORITY, THE KANAB CITY COUNCIL WILL CONSIDER THIS REVOCATION FOR NON-COMPLIANCE AND FAILURE TO PROCEED:**

Mr. Huffman explained that the Planned Development Zone is no longer in operation under the current Land Use Ordinance. He said Mr. Guthrie presented a draft development agreement, but after research he couldn't see where the project had moved forward. The time has lapsed and the ordinances has changed. Mr. Huffman explained that he has lost his vested rights. Mr. Jim Guthrie addressed the Council. He said he has spent \$305,000 redesigning to put in a frontage road. He submitted the plans to the City. He presented a draft development agreement and a phasing plan and paid \$5,000 as requested in May of 2008. Council Member Sorenson felt there needed to be a conclusion on how to move forward. Mr. Guthrie's plan could still be used. He said he thinks that "due diligence" was done. Mr. Guthrie said he was concerned with the City and himself being sued by the same group suing him on his other project if everything isn't done in order. Council Member Meyer made a motion to not revoke the zone change and general plan change for property located at 1799 East Highway 89 and encourage applicant to move forward with development agreement and returned it to the City in 90 days for consideration. Motion 2<sup>nd</sup> by Council Member Chatterley. Motion passed unanimously by roll call vote. The Council suggested Mr. Guthrie and his Engineers look at the new ordinances and see if it is something he can work with.

**CONSIDER APPROVAL OF REAL ESTATE PURCHASE AGREEMENT. ZIONS BANK HAS OFFERED TO DONATE A LOT IN THE LA ESTANCIA SUBDIVISION TO KANAB CITY. THIS AGREEMENT IS NECESSARY FOR THE DONATION:**

A motion was made by Council Member Sorenson to approve the Real Estate Purchase Agreement with Zions Bank for Lot 153 in La Estancia for a total purchase price of \$10 as stipulated in the agreement. Motion 2<sup>nd</sup> by Council Member Mower. Motion passed unanimously.

**CONSIDER APPROVAL OF GRANT CONTRACT WITH THE UTAH DEPARTMENT OF COMMUNITY AND CULTURE. KANAB CITY HAS BEEN AWARDED \$3,000 TO FURTHER ARTS IN THE COMMUNITY:**

A motion was made by Council Member Meyer and 2<sup>nd</sup> by Council Member Chatterley to authorize the Mayor to inniate the grant contract with to further arts in the community. Motion passed unanimously.

**CONSIDER APPROVAL OF LEASE AGREEMENT FOR PERFORMING ARTS CENTER. KANAB CITY IS WORKING WITH THE KANE COUNTY SCHOOL DISTRICT TO LEASE THE AREA BEHIND THE HERITAGE MUSEUM FOR AN OUTDOOR PERFORMING ARTS CENTER:**

Council Member Meyer said that the Arts Council has been negotiating with the School District on lease terms, insurance and etc. Council Member Meyer made a motion to authorize the Mayor to negotiate on terms of the lease agreement and sign on behalf of the City. Motion 2<sup>nd</sup> by Council Member Brown. Motion passed unanimously. It was noted that Dixie State College will meet with the Arts Council to suggest lighting and sound needs.

**CONSIDER ADOPTION OF ORDINANCE 10-1-11 O DEFINING WHAT CONSTITUTES A SIGNIFICANT PARCEL OF REAL PROPERTY AND REASONABLE NOTICE TO ALLOW PUBLIC COMMENT. THE PROVISIONS OF THIS ORDINANCE COMPLY WITH STATE CODE REGARDING THE DISPOSAL OF MUNICIPAL REAL PROPERTY:** A motion was made by Council Member Sorenson and 2<sup>nd</sup> by Council Member Chatterley to adopt Ordinance #10-1-11 O defining what constitutes a significant parcel of real property and reasonable notice to allow public comment. Motion passed unanimously by roll call vote. Significant parcel of real property means any land and anything growing on, attached to, or erected on it, excluding anything that may be severed without injury to the land owned by the City. Reasonable notice means publishing notice of a public hearing, along with a general description of the significant parcel of real property being disposed of, in a newspaper of local circulation 14 days prior to the public hearing.

**CONSIDER CANCELING NOVEMBER 8TH MEETING BECAUSE OF CONFLICTS WITH THE KANAB CITY MUNICIPAL ELECTION:** A motion to cancel November 8th City Council meeting was made by Council Member Chatterley and 2<sup>nd</sup> by Council Member Brown. Motion passed unanimously.

A motion to go into Executive Session to discuss pending or reasonable imminent litigation was made by Council Member Mower and 2<sup>nd</sup> by Council Member Chatterley. Motion passed unanimously.

A motion to go out of Executive Session was made by Council Member Brown and 2<sup>nd</sup> by Council Member Chatterley. Motion passed unanimously.

A motion was made by Council Member Meyer and 2<sup>nd</sup> by Council Member Brown to instruct the Mayor, City Manager and Council Member Mower to settle the problem with Little's Tree as was discussed in Executive Session. Motion passed unanimously.

A motion to adjourn was made by Council Member Meyer and 2<sup>nd</sup> by Council Member Chatterley. Motion passed unanimously.

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MAYOR                      NINA LAYCOOK

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RECORDER      DUANE HUFFMAN